

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:14-CR-240-BR

UNITED STATES OF AMERICA)
)
) ORDER
)
v.)
)
WILLIAM SCOTT DAVIS, JR.)
)

This matter is before the court on the issue of defendant's competency to stand trial. The court held a hearing on 2 November 2015 at which the court considered Dr. Heather Ross's forensic evaluation, (DE # 34), the testimony of Dr. Ross, and the arguments of counsel. At the conclusion of the hearing, defense counsel requested that defendant be further evaluated, at an institution other than FCI-Butner where the initial examination occurred. The government did not oppose this request. The court took the matter under advisement.

Upon further consideration, the court concludes that there is justification for a second psychiatric or psychological examination of defendant. Defense counsel pointed to evidence which shows defendant may be deluded and raised genuine concerns about defendant's ability to assist properly in his defense, given counsel's interactions with defendant to date.

Accordingly, the court finds that there is reasonable cause to believe that defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. It is therefore ORDERED:

1. Defendant be examined by another qualified psychiatrist or psychologist under the provisions of 18 U.S.C. § 4241 to determine whether defendant is presently suffering

from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. Such examination shall occur at a facility other than FCI-Butner.

2. The examining psychiatrist or psychologist shall prepare a written report containing the information designated in 18 U.S.C. § 4247(c). The report shall be filed under seal with the court and copies served on counsel for defendant and the United States Attorney as provided by 18 U.S.C. § 4247(c).
3. Pursuant to 18 U.S.C. § 4247(b), defendant is hereby committed to the custody of the Attorney General for a period of 30 days from the date of this order. The study ordered herein shall be completed and the report shall be filed within 30 days from the date of this order.
4. The period of delay occasioned hereby shall be excluded pursuant to 18 U.S.C. § 3161(h)(1)(A).

This 4 November 2015.



W. Earl Britt
Senior U.S. District Judge